

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

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In the Matter of)	
)	
Amendment of Section 73 606(b),)	
Table of Allotments,)	MM Docket No. 04-31
Television Broadcast Stations.)	RM-10852
(Gainesville, Florida))	
)	

To Office of Secretary
Attn: Chief, Video Division
Media Bureau

COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULE MAKING

Gainesville Channel 61 Associates, LLC ("GCA"), applicant for a new NTSC television station on Channel 61, Gainesville, Florida,¹ by its counsel and in response to the Commission's *Notice of Proposed Rule Making* in the above-captioned proceeding, MB Docket No. 04-31, RM-10852 (released February 20, 2004) (the "*NPRM*"), hereby files these Comments in support of the *NPRM*'s proposal to substitute and allot NTSC Channel 29 for NTSC Channel 61+ at Gainesville, Florida in the Table of Allotments.

DISCUSSION

1. On November 22, 1999, the Commission opened a filing window permitting, among other things, applicants for new NTSC television stations on channels 60-69 to modify

¹ KB Prime Media LLC ("KB Prime") and Television Capital Corporation of Gainesville ("TCCG") each filed competing applications for a new NTSC facility on Channel 61 at Gainesville, Florida. Pursuant to a Settlement Agreement, KB Prime agreed to dismiss its application and join with TCCG to become 50% owners of GCA. The parties filed a Joint Request for Approval of Settlement Agreement with the Commission on January 30, 1998.

their proposals to specify a channel below 60.² On July 14, 2000, in response to that filing window, GCA filed a Petition for Rulemaking seeking to substitute and allot NTSC Channel 29 for the earlier proposed NTSC Channel 61 at Gainesville, Florida. By that Petition, GCA demonstrated that the substitution of Channel 29 in the Television Table of Allotments is in the public interest, as it would permit the initiation of a new television service to the community of Gainesville, Florida.

2 In response to GCA's Petition, the Commission has now instituted the instant rule making proceeding to more fully consider the proposal. GCA hereby incorporates by reference its Petition previously filed in this proceeding and reiterates its expression of interest in the substitution and allotment of NTSC Channel 29 for the presently allotted NTSC Channel 61 at Gainesville, Florida. As mentioned above, GCA currently has an application pending seeking authorization for a new construction permit for a television station operating on NTSC Channel 61. If the channel change proposed in the NPRM is granted, GCA will, as stated in its Petition, promptly amend its pending application in order to specify operation on Channel 29 at Gainesville with facilities consistent with those specified in the engineering material filed with its Petition for Rule Making, and, if authorized, GCA will construct the facilities contemplated therein and place the station into operation.

CONCLUSION

3. The substitution of television Channel 29 for the current Channel 61 will serve the public interest by preserving the introduction of a new television service to the community of Gainesville, Florida. Accordingly, GCA's proposed change to the Television Table of

² See Public Notice, DA 99-2605 (released November 22, 1999); Public Notice, DA 00-536 (released March 9, 2000) (extending the filing window until July 15, 2000).

Allotments is in the public interest and consistent with the Commission's articulated goals.

Accordingly, GCA respectfully requests that the Commission expeditiously grant the proposed rule making to allot NTSC Channel 29 at Gainesville, Florida.

Respectfully submitted,

GAINESVILLE CHANNEL 61 ASSOCIATES, LLC

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Date: April 7, 2004

CERTIFICATE OF SERVICE

I, Rhea Lytle, a secretary with the law firm of Shaw Pittman LLP, do hereby certify that a copy of the foregoing “**COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULE MAKING**” was mailed, first class, postage prepaid this 7th day of April 2004 to the following:

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*Via Hand Delivery